

Notice of Allowability

Application No.

10/023,188

Examiner

Jennifer K. Michener

Applicant(s)

SPITZER ET AL.

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amdt of 1/14/2004.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☒ The drawings filed on 14 January 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joan McGillicuddy on 5/12/2004.

The application has been amended as follows:

In the specification:

On page 3, line 13, the word –AUTOMATCHIC— replaces the word “Automatchic”.

On page 3, line 14, the word –MACBETH COLOUR-EYE—replaces the word “MacBeth Colour-Eye”.

On page 3, line 15, the word –BYK-GARDNER—replaces the word “BYK-Gardner”.

On page 2, line 15, the word –X-RITE—replaces the word “X-Rite”.

In the claims:

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Claim 1. ^{Currently}
(Amended) A method for selecting coating formulations for a multi-layer coating for repair purposes, the multi-layer coating comprising a primer applied on a substrate, at least one base or top coat and, optionally, a clear coat, the method comprising the following steps:

providing one or more databases of colorimetric data relating to a set of formulations and/or relating to constituents for a primer and base or top coat layers;

entering the colorimetric data of an object to be repaired into a computer having access to said database;

determining the formulation of the primer and of the other layers of the multi-layer coating with the aid of the database, in such a way that the resulting colour of the total multi-layer coating to be applied matches the colour of the object to be repaired using the lowest amount of coating material by allowing the color of the lower layers to be visible and have an effect on the resulting colour.

2. The following is an examiner's statement of reasons for allowance: the prior art of record fails to teach a combination of primer and upper layers which, together, form a desired repair paint color with the color of the lower layers, such as the primer, being visible as part of the final color seen. The method of the instant invention allows a lesser amount of total coating to achieve a desired result. The closest prior art of record, Rodrigues, teaches selecting a primer with a reflectance that matches that of a topcoat, said topcoat formulation having *already been selected* for a given operation.

The secondary reference matches only a topcoat to existing paint. As outlined by Applicant, the references fail to teach, in combination, the selection of layer colors in a combination such that all layers have an impact on the final color when viewed together using the colorimetric database matching approach of Applicant.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer K. Michener whose telephone number is (571) 272-1424. The examiner can normally be reached on Monday through Thursday and alternate Fridays.
5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on 571-272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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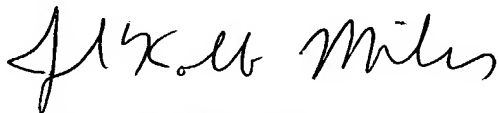
published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Jennifer Kolb Michener". The signature is fluid and cursive, with the first name "Jennifer" being more prominent and the last name "Michener" following in a similar style.

Jennifer Kolb Michener
Patent Examiner
Technology Center 1700
May 14, 2004